

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Guy Andrew VAZ )  
Serial No.: 09/965,299 ) Group: 1762  
Filing Date: September 26, 2001 ) Examiner: not yet assigned  
(as amended) )  
Our ref.: B-3834DIVofDIV  
619083-7  
For: "PROTECTIVE BOOT AND SOLE )  
STRUCTURE" ) Date: June 13, 2002

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, D.C. 20231

Sir:

**REQUEST FOR CORRECTED RECEIPT**

**RE: FILING DATE**

The subject application was submitted pursuant to the Express Mail Procedure of 37 CFR 1.10. The application was deposited with the United States Postal Service (USPS) in an Express Mail envelope with sufficient postage for Express Mailing on September 26, 2001 pursuant to 37 CFR 1.10, but the returned postcard and official filing receipt (copies enclosed) indicate that the United States Patent and Trademark Office (USPTO) considered the filing date to be September 27, 2001.

Enclosed is a copy of the new application transmittal letter from our files. The new application transmittal letter contains a Certification of Express Mailing Date under 37 CFR 1.10 and proper reference to Express Mail Label Number EL896635217US as required by Section 1.10. This information is also contained in the files of the United States Patent and Trademark Office.

Cheryl Liang, the person mailing the papers pursuant to 37 CFR 1.10, has signed a verified statement that the new application was deposited with the USPS in an Express Mail envelope with sufficient postage for Express Mailing on September 26, 2001. The

Receipt  
#5  
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JUN 18 2002  
PATENT & TRADEMARK OFFICE

signed verified statement signed by Cheryl Liang is attached.

Also enclosed is a letter from Phil Cascio, a manager of the USPS, indicating that September 26, 2001 is the correct "sign in" date. Attached to the letter are copies of the Express Mail Label Number EL896635217US returned from the USPS and PS Form 5541. It should be noted that the "sign in" clerk at the USPS inadvertently indicated the "date in" to be September 27, 2001, instead of September 26, 2001. However, it is apparent from the enclosed letter from USPS manager Phil Cascio and the enclosed PS Form 5541 that September 26, 2001 is the correct "sign in" date.

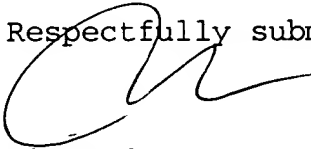
Applicant has complied with the requirements of 37 CFR 1.10 and is entitled to a filing date of September 26, 2001. Therefore, please update all of the records in the USPTO to indicate that the filing date of the above-identified application September 26, 2001; and please advise us in writing that the USPTO considers

**September 26, 2001**

to be the filing date of the above-identified U.S. application.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415.

Respectfully submitted



Richard P. Berg  
Reg. No. 28,145  
Attorney for Applicant  
LADAS & PARRY  
5670 Wilshire Boulevard, #2100  
Los Angeles, California 90036  
(323) 934-2300

Request for Corrected Filing Receipt  
U.S. Patent Appln. No. 09/965,299  
Page 3

Enclosures: copy of returned postcard  
copy of official filing receipt  
copy of new application transmittal letter  
Verified statement signed by Cheryl Liang  
letter from the Express Mail clerk of  
the USPS with copy of Express Mail label and copy  
of Pickup Service Statement PS Form 5541 returned  
from the USPS

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with  
the United States Postal Service with sufficient postage as first-  
class mail in an envelope addressed to:

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, D.C. 20231, on  
June 13, 2002

By: \_\_\_\_\_

  
Suzanne Johnston

To: USPD (cl)  
FROM: COMMISSIONER OF THE PATENT

Our reference:  
B-3834DIV of DIV  
619083-7

THE PATENT AND TRADEMARK  
OFFICE MAIL ROOM STAMP HEREON  
ACKNOWLEDGES

RECEIPT OF: New U.S. Patent Appln.

(Divisional of 09/633,955) consisting of:

Transmittal letter with Certification under 37 CFR 1.51  
(4 pages); check no. 13996 in the amount of \$382.00;

Copy of parent application U.S. Patent Appln. No. 09/633,955  
consisting of: 10 pages of Specification, 6 pages of Claims, 1 page of Abstract, 4  
pages of copy of Declaration/Power, 4 sheets of drawings (Figs. 1-3, 3a-3b, 4);  
Associate Power of Attorney (1 page); 4 Sheets of Formal Drawings (Figs. 1-3, 3a-  
3b, 4) with Cover Sheet (1 page); Preliminary Amendment (6 pages); Information  
Disclosure Statement with Form PTO-1449  
(modified) (4 pages) and a copy of International  
Search Report; this postcard.

Date mailed:

September 26, 2001

Express Mail No.:

EL896635217US

STAMP

JC821, U.S. PTO

09/965299



09/27/01

IN CONNECTION WITH: Guy Andrew VAZ

FOR: "PROTECTIVE BOOT AND SOLE STRUCTURE"

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## UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/965,299	<del>09/27/2001</del> 9/26/2001	1762	382	B-3834DIV of DIV	4	23	2

c/o LADAS & PARRY  
Suite 2100  
5670 Wilshire Boulevard  
Los Angeles, CA 90036-5679



CONFIRMATION NO. 5641

## FILING RECEIPT



\*OC000000006918243\*

Date Mailed: 10/16/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Guy Andrew Vaz, Singapore, SINGAPORE;

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/633,955 08/07/2000 \*  
WHICH IS A DIV OF 09/470,522 12/22/1999  
(\*) Data inconsistent with PTO records.

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## Foreign Applications

SINGAPORE 9804838-2 12/29/1998

If Required, Foreign Filing License Granted 10/16/2001

Projected Publication Date: 01/24/2002

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

## Title

Protective boot and sole structure

Preliminary Class

427

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Guy Andrew VAZ )  
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Serial No.: 09/965,299 ) Group: 1762  
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Filing Date: September 26, 2001 ) Examiner: not yet assigned  
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 ) Our ref.: B-3834DIVofDIV  
 ) 619083-7  
For: "PROTECTIVE BOOT AND SOLE )  
STRUCTURE" ) Date: June 13, 2002

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, D.C. 20231

Sir:

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VERIFICATION

I am the person who mailed the above-identified application pursuant to 37 CFR. 1.10 on September 26, 2001; and I verify that the subject application with all of the items required under 35 U.S.C. 371 were deposited with the United States Postal Service in an Express Mail envelope with sufficient postage for Express Mailing on September 26, 2001.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: June 13, 2002

  
Cheryl Liang

Manager, Customer Services  
BICENTENNIAL STATION



November 21, 2001

Assistant Commissioner of Patents and Trademarks  
Box New Patent Applications  
Washington, D.C. 20231

To whom it may concern

On September 26, 2001, we, the U.S. Postal Service picked up Express Mail item #EL896635217US from our customer, Ladas & Parry. Regrettably, we mishandled this item and it entered our mailstream on September 27, 2001, a complete day later. Clearly the U.S. Postal Service is responsible for this unfortunate incident, not the sender.

Please accept this letter and copy of the Pickup Service Statement, PS Form 5541, as irrefutable documentation that our customer mailed this item on September 26, 2001.

Sincerely

Phil Cascio  
Manager, Customer Services  
Bicentennial Station  
323 933-5953

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JUN 18 2002  
OFFICE 907

1. Attach Meter Strip or Stamps Here

# Pickup Service Statement for Express Mail, Priority Mail, or Parcel Post

Customer Name and Address (No., Street, Suite No., City, and State)  
ALAS & PARRY  
870 WILSHIRE BLVD STE 2100  
LOS ANGELES CA 90036-5620

P+4 9 0 1 3 5 - 5 6 2 C

Express Mail	Quantity
Priority Mail	Quantity
Parcel Post	Quantity

19

Custom Design Agreement CDA No. _____	5. Method of Payment <input type="checkbox"/> Corporate Account No. _____ <input type="checkbox"/> Federal Agency Account No. _____ <input type="checkbox"/> Meter Strip or Stamps (Apply fee in Item 1 above)
--	---

## 6. Express Mail Label Numbers

Item No.	Express Mail Label Number	Item No.	Express Mail Label Number	Item No.	Express Mail Label Number
1	EL896635217US	6	EL860198642US	11	
2	EL752178402US	7		12	
3	EL9157766600US	8		13	
4	EL915900141US	9		14	
5	EV004765605US	10		15	

Customer Signature <i>Julia Salas</i>	By USPS Signature	Date of Pickup	Time of Pickup
--	-------------------	----------------	----------------

3 - Customer Copy

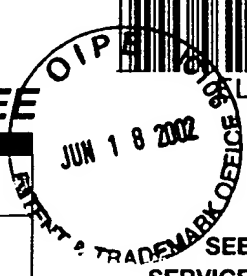
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UNITED STATES POSTAL SERVICE®

POST OFFICE  
TO ADDRESSEE

896635217 US

Customer Copy  
Label 11-F August 2000

## ORIGIN (POSTAL USE ONLY)

PO ZIP Code 90080	Day of Delivery Next <input type="checkbox"/> Second <input type="checkbox"/>	Flat Rate Envelope <input type="checkbox"/>
Date in 9-9-01	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$
Time in AM <input type="checkbox"/> PM <input type="checkbox"/>	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight 1.5 lbs	Int'l Alpha Country Code	COD Fee Insurance Fee
No. of Pieces 1	Acceptance Clerk Initials NS	Total Postage & Fees \$ 16.25
<input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		

SEE REVERSE SIDE FOR  
SERVICE GUARANTEE AND LIMITS  
ON INSURANCE COVERAGE

<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only): Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.
NO DELIVERY: <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday

## CUSTOMER USE ONLY

## METHOD OF PAYMENT:

Express Mail Corporate Acct. No.

Federal Agency Acct. No. or  
Postal Service Acct. No.

## FROM: (PLEASE PRINT)

PHONE ( 323 934 2300 )

LADAS & PARRY  
5670 WILSHIRE BLVD STE 2100  
LOS ANGELES CA 90036-5679

B-3834DIV of DIV 619083-7

cal

## TO: (PLEASE PRINT)

PHONE ( )

COMMISSIONER OF PATENTS  
& TRADEMARKS  
BOX NEW PATENT APPLICATION  
WASHINGTON DC 20231-

FOR PICKUP OR TRACKING CALL 1-800-222-1811

www.usps.com

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EL896635217US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. B-3834DIV of DIV

619083-7

Anticipated Classification  
of this application

Class \_\_\_\_\_ Subclass \_\_\_\_\_

Prior application: 09/633,955

Examiner: \_\_\_\_\_

Art Unit: \_\_\_\_\_

Commissioner of Patents and Trademarks  
BOX NEW PATENT APPLICATION  
Washington, D.C. 20231

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Sir:

**CONTINUATION OR DIVISIONAL FILING UNDER 37 CFR 1.53(b)**

This is a request for filing a

☐ Continuation ☒ Divisional

application under 37 CFR 1.53(b), of pending prior U.S.

Application Serial No. 09/633,955 filed on August 8, 2000, of (1)

Guy Andrew VAZ for "PROTECTIVE BOOT AND SOLE STRUCTURE", which is  
a divisional of pending prior U.S. Application Serial No.

09/470,552 filed on December 22, 1999, of (1) Guy Andrew VAZ for  
"PROTECTIVE BOOT AND SOLE STRUCTURE".

**1. Prior Application**

☒ I hereby verify that the attached papers are a true copy  
of what is shown in my records to be the above-  
identified prior application, including the  
specification, claims, and abstract and the oath or  
declaration originally filed (see 8 for drawing  
requirements.)

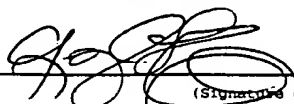
NOTE: Under 37 CFR 1.53(b) practice, signing and execution of the application by the applicant  
may be omitted provided the application is a continuation or divisional which adds neither  
new matter nor new inventors to the parent application, and a copy of the original  
declaration or oath from the parent application is supplied with the new application - 37  
CFR 1.63(d)(1)

**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this paper and the documents referred to as attached therein are  
being deposited with the United States Postal Service on this date September 26, 2001 in an  
envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10, Mailing Label  
Number EL896635217US addressed to the  
\*Commissioner of Patents and Trademarks  
BOX NEW PATENT APPLICATION  
Washington, D.C. 20231"

Cheryl Liang

(Type or print name of person mailing paper)

  
(Signature of person mailing paper)

NOTE: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed  
thereon prior to mailing - 37 CFR 1.10(b).

2. Amendments

☐ Cancel in this application original claims \_\_\_\_ of the prior application, before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☒ A preliminary amendment is enclosed.

NOTE: Only amendments reducing the number of claims will be entered before calculating the final fee.

3. Fee Calculation

CLAIMS FOR FEE CALCULATION

Number Filed	Number Extra	Rate	Basic Fee
			\$710.00
Total			
Claims	23-20=	3 x \$ 18.00	\$54.00
Independent			
Claims	2-3=	0 x \$ 80.00	0
Multiple dependent			
Claim(s), if any	0 x	\$270.00	0

☐ The fee for extra claims is not being paid at this time.

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims canceled by amendments, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 CFR 1.16(d).

Filing fee calculation \$ 764.00

4. Small Entity Status

☐ a verified statement that this is a filing by a small entity is attached.

☒ a verified statement has previously been filed in the parent application (37 CFR 1.28 (a)).

Filing fee calculation (50% of above) \$ 382.00

NOTE: If a verified statement is filed within two (2) months of the date of payment of the first fee then the excess fee paid will be refunded on request. Notice of January 20, 1983. 1027 TMOG 114.

5. Fee Payment Being Made At This Time

Not enclosed

☐ no filing fee is submitted. This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently.

Enclosed

☒ filing fee \$ 382.00

6. Method of Payment of Fees

☒ enclosed is a check in the amount of \$ 382.00

☐ charge account number 12-0415 in the amount of \$

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid - 37 CFR 1.22(b)

7. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge the following additional fees which may be required to Account No. 12-0415:

- ☒ 37 CFR 1.16 (filing fees and presentation of extra claims)
- ☒ 37 CFR 1.17 (application processing fees)
- ☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b)).

NOTE: 37 CFR 1.28(b) requires "Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application...prior to paying...issue fee."

8. Drawings

- ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this request is enclosed for filing in the prior application file. (May only be used if signed by (1) the applicant, (2) the assignee of record or (3) the attorney or agent of record authorized by 37 CFR 1.138 and before payment of issue fee.)

NOTE: ~~DO NOT~~ check this box if prior case is not to be abandoned.

- ☐ Transfer the following sheet(s) of drawings from the prior application to this application \_\_\_\_\_

NOTE: Transferring sheets must be cancelled in prior application 37 CFR 1.88

- ☒ New drawings are enclosed ☒ formal ☐ informal

9. Priority - 35 U.S.C. 119

- ☒ Priority of application Serial No. 9804838-2 filed on 29 December 1998 in Singapore is claimed under 35 U.S.C. 119.

- ☒ The certified copy has been filed in U.S. Application No. 09/470,552 filed on 22 December 1999, which is the parent of the divisional of which the subject application is based on.

10. Relate Back - 35 U.S.C. 120

Amend the specification by inserting before the first line the sentence:

This is a ☐ continuation ☒ divisional of co-pending prior U.S. Serial No. 09/633,955 filed on August 8, 2000, which is a divisional of pending prior U.S. Serial No. 09/470,552 filed on December 22, 1999.

11. Assignment

- ☐ The prior application is assigned of record to

12. Power of Attorney

The Power of Attorney in the prior application is to: Richard P. Berg, Reg. No. 28,145; Mavis S. Gallenson, Reg. No. 32,464; Kam C. Louie, Reg. No. 33,008; Richard J. Paciulan, Reg. No. 28,248; John Palmer, Reg. No. 36,885; Peter D. Galloway, Reg. No. 27, 885; William R. Evans, Reg. No. 25, 858; and William C. Boling, Reg. No. 41, 625.

- a. ☒ The power appears in the original papers in the prior application
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ A new power has been executed and is attached.
- d. ☐ Address all future communications to
- e. ☒ An Associate Power of Attorney has been executed and is attached.

(May only be completed by applicant, or attorney or agent of record).

13. Maintenance of Copendency of Prior Application

- ☐ A petition, fee and response has been filed to extend the term in the pending prior application until \_\_\_\_\_.

14. ☒ An Information Disclosure Statement is enclosed.

September 26, 2001  
Date

Ross A. Schmitt  
Signature  
Ross A. Schmitt  
Registration No. 42,529

Address of Signatory

c/o LADAS & PARRY  
5670 Wilshire Boulevard  
Suite 2100  
Los Angeles, Ca 90036-5679  
Telephone No. (323) 934-2300  
Telefax No. (323) 934-0202

- ☐ Inventor(s)
- ☐ Assignee of complete interest
- ☒ Attorney or agent of record
- ☐ Filed under Rule 34(a)